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TOWN WARRANT
Special Town Meeting
October 26, 1998

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Special Town Meeting** to be held in the Auditorium of the Amherst Pelham Regional Middle School in said Amherst at seven-thirty o'clock p.m. on **Monday, the 26th day of October**, nineteen hundred and ninety-eight, when the following articles will be acted upon by town meeting members:

ARTICLE 1. Reports of Boards and Committees
(Select Board)

To see if the Town will hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Transfer of Funds - Unpaid Bills
(Select Board)

To see if the Town will, in accordance with Chapter 44, Section 64, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 3. School - Regional Agreement
(Select Board)

To see if the Town will approve amendments to the Regional Agreement as approved by the Regional School Committee and contained in the attached document.

ARTICLE 4. School - Track and Field Improvements
(Regional School Committee)

To see if the Town disapproves of the Regional School Committee's vote of September 8, 1998 to issue bonds for an amount not to exceed \$200,000 for the purpose of improving fields and replacing the track at the Regional High School.

ARTICLE 5. Stabilization Fund
(Select Board)

To see if the Town will appropriate and transfer a sum of money to the Stabilization Fund.

ARTICLE 6. Petition - Special Act - Voting Rights for Resident Aliens
(V. Morales)

"To see if the town will vote to authorize the Select Board to file with the legislature a special act entitled, An Act authorizing local voting rights for permanent resident aliens residing in Amherst, as follows:

Section 1. Notwithstanding the provisions of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, resident aliens eighteen years of age or older and who reside in the town of Amherst may, upon application, have their names entered on a list of voters, established by the town clerk, for the town of Amherst and may thereafter vote in any election for local offices and local ballot questions.

Section 2. The Select Board of Amherst is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. Nothing in this act shall be construed to confer upon permanent resident aliens the right to vote for any state or federal office or any state or federal ballot question."

ARTICLE 7. Special Act - Nomination of Town Meeting Candidates and Town Meeting Vacancies
(Town Meeting Study Committee)

To see if the Town will authorize the Select Board to petition the General Court for a Special Act to amend Section 4 of the Representative Town Meeting Act by deleting therefrom the words “not less than ten voters of the precinct in which the candidate resides”, such that the amended Article 5 reads as follows:

Nomination of candidates for Town Meeting members to be elected under this act shall be made by nomination papers which shall bear no political designation, but to the name of a candidate for re-election may be added the words “Candidate for Re-election.” Nomination papers shall be signed by at least one registered voter of the precinct in which the candidate resides and shall be filed with the Town Clerk at least 49 days before the election. No nomination paper shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed, and to amend Section 7 as follows:

Section 7. In the event of any vacancy in the full number of elected town meeting members from any precinct which cannot be filled by means of the above mentioned procedure, the remaining elected members of the precinct may choose a successor from among the registered voters thereof. Upon petition therefor, signed by not less than ten town meeting members from the precinct, or if the entire number of town meeting members from said precinct is less than eighteen, by a majority thereof, notice of any vacancy shall be made promptly to the remaining members from the precinct wherein the vacancy or vacancies exist by the town clerk, who shall call a special meeting of such members for the purpose of filling any vacancy. The town clerk shall cause to be mailed to every such member, not less than five days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum, and they shall elect from their own number a chair and a clerk. The election to fill such vacancy shall be by ballot and a majority of the votes cast shall be required for a choice. The chair and clerk shall count the ballots and shall make a certificate of such election and forthwith file the same with the town clerk, together with a written acceptance by the member or members so elected, who shall be deemed elected and qualified as a town meeting member or members, subject to the right of all town meeting members to judge of the election and qualifications of the members as set forth in section three. Town meeting members elected pursuant to this section shall serve until the next annual town election.

ARTICLE 8. Special Act - Conflict of Interest
(Select Board)

To see if the Town will authorize the Select Board to petition the General Court for a Special Act substantially as follows:

Notwithstanding the provisions of section seventeen of chapter two hundred and sixty-eight A of the General Laws, appointed members of any town board, commission, committee or other appointive governmental body of the town whose members have been designated by the Select Board of the town to be special municipal employees shall not be deemed in violation of paragraph (a) of section seventeen of said chapter for receiving compensation regarding a particular matter which is pending before the town board, commission, committee, or other governmental body on which any such members serves, or which is, or within one year has been, under their official responsibility provided that (1) the member does not participate either directly or indirectly in the review or decision on the particular matter; (2) as soon as the conflict is known, the member files with his or her appointing authority and with the town clerk a statement making full disclosure of the member's interest and interests of the member's immediate family and business associates in the particular matter under review; and (3) the appointing authority makes a written finding that on the facts and circumstances of the case the interest of the member, the member's immediate family, or business associate is compatible with the interest of the town and the member's continued service. Nothing contained herein shall be construed to exempt members from paragraph (c) of said section seventeen of said chapter two hundred and sixty-eight A.

ARTICLE 9. Zoning Bylaw - Signs
(Planning Board)

To see if the Town will amend Section 8.2 and Article 12 of the Zoning Bylaw by deleting the language in brackets and adding the shaded language as follows:

SECTION 8.2 BUSINESS AND INDUSTRIAL/RESEARCH PARK DISTRICTS

In all Business and Industrial /Research Park Districts, the following exterior signs are permitted:

- 8.2[1]0 Signs affixed to, suspended from, or incorporated as part of a building, provided that the total area of the sign on a wall shall not exceed 10 percent of the area of that wall.
- 8.2[2]1 A marquee over the principal entrance to a place of public assembly, subject to the provisions of Article III, Section 5 of the Town By-Law.
- 8.2[4]2 Permanent signs identifying a business or facility may be allowed on cloth or fabric structures such as awnings or upon fixed banners under the permitting procedures required under this Bylaw for the use with which they are associated, and shall conform to the provisions of this section.
- 8.23 [One other sign (such as a sign affixed to a post) for each 100 feet, or fraction thereof, of lot frontage on the principal street, provided that the total area of all such signs shall not exceed 100 square feet for each such unit of frontage. No such sign shall be located nearer to the street line than the minimum setback distance required for a building on the same lot, except as may be provided for under this section. In no case shall there be more than 4 such signs in conjunction with a development or project.]

In the outlying B-L, the COM, OP, PRP and LI Districts, the following additional signs are permitted:

8.230 One free standing sign, or one monument sign, for each street frontage, subject to the following standards:

- 1) For any sign located a distance equal to or greater than the required building setback in that zone:

maximum 60 square feet in size
maximum 12 feet high

- 2) For any sign located half of the distance required for the building setback in that zone:

maximum 30 square feet
maximum 10 feet high

3) For any sign located between the property line and half the distance required for a building setback in that zone:

Monument sign only

maximum 15 square feet
maximum 6 feet high.

8.231 For any parcel with continuous frontage of 300 feet or more, one free standing sign or one monument sign, located a distance equal to or greater than the required building setback:

maximum 80 square feet
maximum 12 feet high.

8.232 In the PRP, OP, and LI Districts, one additional monument sign, for identification purposes, subject to the following conditions:

- 1) The sign shall include the name of the research, office, or industrial park.
- 2) The sign shall be located at the principal street entrance to the park.
- 3) The sign shall only be allowed where the park was established through an approved subdivision plan.
- 4) The sign shall only be allowed where there are three (3) or more separate parcels included in the approved subdivision for the park.
- 5) The sign shall have a maximum height of 10 feet and maximum size of 60 square feet.
- 6) The sign shall be in accordance with an approved sign plan.

8.24 In the B-G District, B-VC Districts and those B-L Districts adjacent to the B-G District, the following additional signs are permitted:

8.240 One free standing sign, or one monument sign, for each street frontage, subject to the following standards:

maximum height - 10 feet
maximum size - 25 square feet.

8.25 For any sign located on a property in a B-VC, B-L or COM district and also within a National Historic Register District or local historic district, the minimum front setback may be the same as established for business uses in the B-G District, subject to the approval of the sign location and design by the permit-granting authority. The authority [shall consider] may approve the proposed sign(s) if it finds that [the following criteria]:

- 8.250 The provisions of Section 8.28 have been met with regard to vehicular and pedestrian safety[;] .
- 8.251 The proposed setbacks are consistent with the setbacks of existing signs in the vicinity[;] and/or are consistent with historical precedent for sign locations in the vicinity[;] .
- 8.252 The design of the proposed sign(s) is consistent with the design principles and standards in Section 3.2041, 9)[, and;].
- 8.253 The sign(s) appropriately identifies and reflects the character of the proposed uses of the property.

8.26 For properties located within a Business or Industrial/Research Park zone where a vehicular entrance is located on a parcel of land not in the same ownership as the parcel of land on which the principal use is situated, the following signs are permitted:

8.260 One free standing or monument sign to be located at the vehicular entrance subject to the following conditions:

- 1) Maximum height - 10 feet.
- 2) Maximum size - 30 square feet.
- 3) Such sign shall meet the requirement of Section 8.28.

- 4) Such sign shall be located on a parcel of land that is immediately abutting the parcel of land of the principal use which is identified by the sign.
- 5) The sign owner shall submit to the permit granting authority proof of an easement or other legal document that grants permission to use the subject property for a sign.

8.27 All free standing and monument signs shall be located within a landscaped area equal to 150% of the area of the sign.

8.28 No free standing or monument sign shall be located in such a manner that it will impair sight distances of pedestrians and/or vehicles at an intersection or at a vehicular or pedestrian entrance to a property.

8.29 All signs shall be located on the same parcel of land as the business, location, product or service identified on the sign, except as provided for in Section 8.26.

Article 12 - Add the following new Sections 12.25 and 12.26 and renumber the remaining sections accordingly:

12.25 Sign, Free standing - A sign supported permanently upon the ground by poles.

12.26 Sign, monument - A sign mounted either directly on the ground or on a wall that is situated on the ground.

ARTICLE 10. Zoning Bylaw - Frontage Lots
(Planning Board)

To see if the Town will amend Article 6, Dimensional Regulations, of the Zoning Bylaw, as follows:

- A. Add a new Section 6.4 (shaded) and renumber existing Sections 6.4 and 6.5 accordingly.

SECTION 6.4 FRONTAGE LOTS

6.40 That portion of a frontage lot within which the principal building is to be located shall be considered the building area. The building area of a frontage lot shall be capable of containing a circle whose diameter is equal to or greater than the minimum standard street frontage required in the district where the lot has its frontage, without any portion of the circle falling outside of the property.

- B. Amend Section 6.13 by deleting the language in brackets and by adding the shaded language, as follows:

6.13 **Standard** [Basic] Lot Frontage and Cluster Lot Frontage

Except as herein specified, no dwelling or other principal building shall be constructed or used on a lot having less frontage on a street than the prescribed minimum **standard** lot frontage, or cluster lot frontage **in** a cluster development.

Such frontage shall be measured along [the] **a continuous** street right-of-way line on which [the] **a** lot abuts, except that the frontage of lots on the convex side of a curve in a street may be taken as the straight distance between the points on the side lot lines intersected by the prescribed minimum setback line. In the case of lots which have more than one-half of their frontage along the curve of a permanent turnaround (at the end of a dead end street) or of a similar curved street segment serving no more than six (6) dwelling structures, said straight distance between the points on the side lot lines need not exceed seventy (70) percent of the prescribed minimum. On corner lots, where the included angle is less than 135 degrees, either street may be considered as the frontage street, but not both together. This requirement shall not apply to dwellings in a Planned Unit Residential Development.

ARTICLE 11. Zoning Bylaw - Common Driveways
(Planning Board)

To see if the Town will amend Article 6 and Article 7 of the Zoning Bylaw as follows:

- A. Amend Section 6.3 by deleting the language in brackets and adding the shaded language as follows:

6.37 Access to the lot shall meet the [following requirements:] **requirements of Section 7.7.**

[6.371 Unimpeded access shall be provided either across the access strip or across an easement at least twenty feet wide.

6.372 The driveway within the privately owned access strip or easement shall have adequate drainage and shall not exceed 5% grade within thirty feet of the property line at the street.

6.373 In all instances where either two, or three, flag lots have their strips adjacent to each other at the street line, access to the lots shall be provided by a single common driveway only, with a minimum width of sixteen (16) feet.

6.374 Any shared driveway shall provide access to a maximum of four lots, including flag lots and any adjacent standard lots.

6.375 All access driveways within the privately owned access strip shall be so drained as to prevent damage or hazard to abutting properties or public streets, and shall be paved with bituminous asphalt, concrete, compacted gravel or similar paving material.]

- B. Change the title of Article 7 from Parking Regulations to Parking & Access Regulations.
- C. Add a new Section 7.7, Access Requirements & Common Driveways, as follows, and renumber Sections 7.7 and 7.8 accordingly:

SECTION 7.7 ACCESS REQUIREMENTS & COMMON DRIVEWAYS

7.70 Flag Lots

7.701 Unimpeded access shall be provided across either the access strip or an easement at least twenty (20) feet wide.

7.702 The driveway within the access strip or easement shall have adequate drainage and shall not exceed 5% grade within fifty (50) feet of the intersection of the driveway and the paved or otherwise improved section of the street.

7.703 In all instances where either two or three flag lots are created with their access strips adjacent to each other at the street line, access to the lots shall be provided by a single common driveway.

7.704 Flag lot common driveways shall meet the requirements of Section 7.71.

7.71 Common Driveways

7.710 Common driveways shall not be considered public ways and shall not provide lot frontage.

7.711 Common driveways shall not provide access to more than four frontage and/or flag lots.

7.712 Common driveways shall be sixteen (16) feet in width; constructed with bituminous asphalt, concrete, oil & stone, compacted gravel, or other similar material according to accepted construction standards; and shall include two (2) foot wide shoulders on each side free of obstructions such as trees, fences, poles and bushes.

7.713 The maximum length of a common driveway shall be four hundred (400) feet unless otherwise provided for in this section.

7.714 Common driveways shall not exceed a 5% grade within fifty (50) feet of the intersection of the driveway and the paved or otherwise improved section of the street.

7.715 The maximum grade of any common driveway shall be 10%. Short sections may exceed 10% with the approval of the Planning Board, but in no event shall the grade of any section exceed 15%.

7.716 The intersection angle between the common driveway center line and the street center line shall not be less than sixty (60) degrees.

7.717 The curb radii of the driveway at its intersection with the streets shall be in accordance with the Regulations of the Amherst Department of Public Works.

7.718 There shall be a turnaround located at the end of the common driveway adequate for fire and other emergency vehicles.

7.719 Street addresses for all dwelling units on the common drive shall be posted in a manner sufficient for public safety purposes both at the intersection of the common driveway and the street and at the intersection of the common driveway and each individual drive.

7.720 An agreement providing access over the common drive to all lots and making all lots served by the common drive jointly responsible for its maintenance and repair, including snowplowing, shall be recorded at the Hampshire County Register of Deeds. Evidence of the recording shall be submitted to the Building Commissioner prior to the issuance of a building permit for any lot served by the common driveway.

7.721 The Planning Board may require engineered plans for the driveways and drainage if it deems such plans necessary.

7.722 For any lot within a Definitive Subdivision Plan, the Planning Board may allow a common driveway in excess of four hundred (400) feet or may allow a section of the driveway to exceed 10% grade provided that such modification meets the provision of Sections 6.330-6.335.

For Subdivision Approval Not Required lots, the Planning Board may grant a Special Permit to allow a common driveway in excess of four hundred (400) feet or may allow a section of the driveway to exceed 10% grade provided that such modification meets the provisions of Sections 6.330-6.335.

ARTICLE 12. Zoning Bylaw - Voting Requirements (Planning Board)

To see if the Town will amend the first sentence of Section 11.250 of the Zoning Bylaw by deleting the language in brackets and adding the shaded language, as follows:

11.250 The concurring vote of at least two-thirds (2/3) of the [membership] members of the Board participating and voting, but not fewer than five (5), shall be required for any decision on a site plan application (abstaining members being considered not to be voting). . . .

ARTICLE 13. Petition - Transfer of Control - West Pomeroy Lane (R. Lind)

“To see if the Town will authorize the transfer of the care, custody and control of a certain parcel of vacant land situated on West Pomeroy Lane, shown as Parcel 29, Tax Map 19D, containing 56,556 square feet, more or less, currently in the care, custody and control of the Town Manager in his capacity as Water Commissioner for well and water purposes, from the Town Manager to the Select Board for the purpose of conveyance of said parcel to a developer for the purpose of constructing affordable housing thereon.”

ARTICLE 14. Petition - Conveyance of Land - West Pomeroy Lane (R. Lind)

“To see if the town will authorize the Select Board to convey to the highest responsible bidder a certain parcel of vacant land on West Pomeroy Lane, shown as Parcel 29, Tax Map 19D, containing 56,556 square feet, more or less, for the construction of low- or moderate-income housing thereon; that the consideration for such conveyance be not less than the fair market value of said parcel subject to affordable housing restrictions to be imposed thereon, or to take any other such action by motion hereunder as is consistent with the article.”

ARTICLE 15. Petition - Affordable Housing (R. McPalmer)

“To see if the town will vote the following resolution:

Whereas, the Town of Amherst participated in the Regional Commission on Affordable Housing Needs of Academic Communities, otherwise known as the Rosenberg Commission, whose January 1990 Final Report:

- 1) found that within the Town of Amherst there existed an estimated 2,320 households in need of assisted housing with a deficit of 1,370 assisted housing units (p. 95); of the estimated 2,320 households in need of assisted housing, 50% represented one and two parent families with children, and approximately 28% were estimated to be UMass-affiliated (p. 96-97);
- 2) observed that “many local landlords, developers, and home owners have . . . profited directly” from the impact of “UMass-affiliated households . . . which boost housing prices,” resulting in “market conditions [that] adversely impact the University's ability to recruit faculty and students” (p. 93) and place “a disproportionate share of responsibility for providing affordable housing opportunities” on the Town of Amherst (p. vi);

- 3) concluded "that UMass should immediately initiate visible and effective efforts to house more of its own students," in part by constructing "up to 500 new apartments to serve students with families and graduate students" (p. 107);
- 4) recognized the University's commitment to rehabilitate the University Apartments complex (p. 85);, and,

Whereas, the financial status of graduate and undergraduate students with children or other dependents at the UMass Amherst campus has deteriorated relative to that of other University students, in part because of actions taken by the federal and state government that have impacted the availability of affordable housing, and also in part because the Town of Amherst has been barred from enforcing its rent review stature; and,

Whereas, the University, crippled by fiscal and other constraints, has been unable to fulfill its intention to rehabilitate University Apartments or to implement other recommendations proposed in the Regional Commission of Affordable Housing Needs of Academic Communities' Final Report;

Now, Therefore, Be It Resolved, that the Amherst Representative Town Meeting requests our representatives to the General Court to sponsor, support, obtain passage by the legislature, and the approval of the governor a targeted appropriation of sufficient size to provide for the rehabilitation, or demolition and rebuilding on site, of University Apartments on the campus of the University of Massachusetts at Amherst for use as affordable University family housing; and,

Be It Further Resolved, that the Town Clerk of the Town of Amherst be directed to mail a copy of this resolution and the Amherst Representatives Town Meeting's action thereon to: William Bulger, President of the University of Massachusetts, David Scott, Chancellor of the University's Amherst campus, the State of Massachusetts' Governor's office, State Senate President Thomas Birmingham and State Senator Stan Rosenberg, Speaker of the State House of Representatives Thomas Finneran and State Representative Ellen Story."

ARTICLE 16. Street Acceptance - Mt. Holyoke Drive
(Select Board)

To see if the Town will accept as a town way Mt. Holyoke Drive as laid out by the Select Board and shown on plan of land filed with the Town Clerk, authorizing the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

ARTICLE 17. Street Acceptance - Canterbury Lane
(Select Board)

To see if the Town will accept as a town way Canterbury Lane as laid out by the Select Board and shown on plan of land filed with the Town Clerk, authorizing the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

ARTICLE 18. Easement Relocation - Bay Road
(Conservation Commission)

To see if the Town will (1) approve the relocation of a portion of a conservation maintenance easement running from Bay Road over Parcel 25B-61 of the Town Cadastre, now or formerly of Seymour and Alice Epstein; and (2) authorize the Select Board to petition the General Court for legislative approval of said relocation.

ARTICLE 19. Easement Acquisition - Snell Street - UMass Bikeway Connector
(Conservation Commission)

To see if the Town will (1) authorize the Select Board to acquire the following easements over land on Snell Street for the future siting of the proposed multi-purpose path to be known as the Amherst-UMass Bikeway Connector:

(a) An easement over Parcels 13D-71 and 13D-72 of the Town Cadastre, land of Michael L. Katz, shown as Parcels E-2 and E-4 on a plan entitled "Preliminary Right of Way" prepared by Vanasse Hangen Brustlin, Inc., and bounded and described as follows:

(Parcel E-2) Beginning at the southeasterly corner of said parcel on the northerly sideline of Snell Street; thence north 81° 26' 11" west 34.59 feet to a point; thence north 67° 12' 07" west 51.88 feet to a point; thence south 82° 39' 35" east 71.36 feet to a point; thence south 34° 54' 37" east along said sideline of Snell Street 19.68 feet to the point of beginning; containing 745 square feet of land; and (Parcel E-4) Beginning at the

southwesterly corner of said parcel on the southeasterly sideline of University Drive; thence south 48 59’ 36’’ east 56.51 feet to a point; thence northwesterly by a curve to the right of 103.51 feet radius 55.92 feet to the point of beginning; containing about 140 square feet of land;

(b) An easement over Parcel 13D-64 of the Town Cadastre, land of Marvin J. Spence and George A. Spence, shown as Parcel No. E-3 on a plan entitled "Preliminary Right of Way Plan" prepared by Vanasse Hangen Brustlin, Inc., and bounded and described as follows:

Beginning at the southeasterly corner of said parcel; thence north 82 39’ 35’’ west 140.64 feet to a point; thence north 48 59’ 36’’ west 299.10 feet to a point of curvature; thence northeasterly by a curve to the right of 40-foot radius 16.72 feet to a point; thence north 56 47’ 43’’ west 8.51 feet to a point; thence south 48 59’ 36’’ east 280.19 feet to a point; thence south 82 39’ 35’’ east 110.66 feet to a point; thence south 34 54’ 37’’ east along the sideline of Snell Street 33.44 feet to the point of beginning; containing about 10,215 square feet of land;

and (2) authorize the Select Board to accept any grants or gifts for this purpose.

ARTICLE 20. Capital Program - Solid Waste Fund - Transfer Station Study
(Solid Waste Committee)

To see if the Town will appropriate \$50,000 for a study of the feasibility of a transfer station in comparison to other, future solid waste disposal options and to meet such appropriation transfer \$50,000 from the Solid Waste Fund Surplus.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Marks Meadow School	Prec. 8	Munson Memorial Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting. Given under our hands this fifth day of October, 1998.

Brian C. Harvey
Eva Schiffer
Hill Boss
Dolly G. Jolly

Board of Selectmen

October 7, 1998

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Ronald A. Young
Constable, Town of Amherst